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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>6/16/08</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-53</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-53</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>no new id's</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Detailed Action

This action is in response to the application filed on 6/16/08.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
requirements of this title.

Claims 1-19 & 35-53 are rejected under 35 U.S.C. 101 because the claimed invention is
directed to non-statutory subject matter.

In order for a method to be considered a "process" under §101, a claimed process must
either: (1) be tied to another statutory class (such as a particular apparatus) or (2) transform
underlying subject matter (such as an article or materials). Diamond v. Diehr, 450 U.S. 175, 184
(1981); Parker v. Flook, 437 U.S. 584, 588 n.9 (1978); Gottschalk v. Benson, 409 U.S. 63, 70
(1972). If neither of these requirements is met by the claim, the method is not a patent eligible
process under §101 and is non-statutory subject matter.

Examiner finds these method claims lack structure such as on a "computer readable
medium". One example of corrective action might be to place "electronically" before an action
verb and "on computer (or other appropriate structure)."

For example in the claim:

"Method comprising:

Calculating a score

Assigning rank…"

Would need to become:

"Method comprising:

Electronically calculating a score on a processor...

Electronically assigning rank on a processor..."

This is just one elementary example to provide guidance however there many be various

ways to overcome the 101 method without structure rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-12, 15, 20-31, 34-46 & 49 are rejected under 35 U.S.C. 102(b) as being

anticipated by Kunzle (U.S. Patent Publication 2002/0023051).

Re claim 1 & 35: Kunzle discloses:

A method of recommending loans to user based upon a user-selected loan purpose &

machine readable medium having instructions stored thereon for execution by a processor to

perform a method of recommending loans to a user based upon a user-selected loan purpose

(Kunzle, abstract), comprising:

Requesting from the user a purpose for the loan (see Kunzle, figure 1, item 102 +

paragraph 0030)

Receiving the user-selected loan purpose (see Kunzle, figure 1, item 102, also see

paragraph 0030)

Recommending loans for the user based upon the user-selected loan purpose (see Kunzle, figure 1, item 112)

Re claim 2 & 22 & 36: Kunzle discloses:

(server)Determining if the user is a home owner (see Kunzle, see paragraph 0030)

Re claim 3 & 23 & 37: Kunzle discloses:

If the user is determined not to be a homeowner and if the user-selected loan purpose is not purchasing a home, (server transmits or method) suggesting to the use one or more loan options based on the user-selected loan purpose (see Kunzle, figure 1, item 112 + paragraphs 0030-0033, 0041-0043, Figures 1-3. This limitation is taught by Kunzle as recommending various types of financial products based on the customer information, wherein the customer information comprising purpose of the loan, homeownership, etc.)

Re claim 4 & 24 & 38: Kunzle discloses:

If the user is determined not to be a homeowner and if the user-selected loan purpose is not purchasing a home, (server transmits or method) suggesting to the use one or more collateralized loan options based on the user-selected loan purpose (see Kunzle, figure 1, item 112 + Paragraph 0028, 0030-0033, 0041-0043, Figures 1-3; This limitation is taught by Kunzle as recommending various types of financial products including collateralized products base on the customer information, wherein the customer information comprising purpose of loan, home ownership, collateral information, etc.)

Re claim 5 & 25 & 39: Kunzle discloses:

If the user is a homeowner or if the user-selected loan purpose is to purchase a home (the method):

(server) Receiving from the user one or more loan-related input parameters (see Kunzle, see paragraph 0030)

Determining which loans are to be recommended to the user based upon the user-selected loan purpose and the one or more loan-related input parameters (see Kunzle, figure 1, item 108 & 112)

(server transmits) Suggesting to the user one or more loan based upon the user-selected loan purpose and one or more loan–related input parameters (see Kunzle, figure 1, item 112)

Re claim 6 & 40: Kunzle discloses:

Suggesting to the user the one or more loans based upon the user-selected loan purpose and one or more loan-related input parameters comprises providing the user with multiple loan recommendations based upon a level of acceptable user risk (see Kunzle, figure 1, item 112 + para 0060)

Re claim 7 & 41: Kunzle discloses:

Searching for additional loan-related input parameters (see Kunzle, figure 1, item 102 & 108 + para 0030)

Incorporating additional loan-related input parameters into the step of determining which loans are to be recommended to the user (see Kunzle, figure 1, item 112)

Re claim 8 & 27 & 42: Kunzle discloses:

One of the loan-related input parameters is the user's credit rating (see Kunzle, figure 1, item 102 + Figure 2, item 204 + para 0036)

Re claim 9 & 28 & 43: Kunzle discloses:

User's credit rating is a real-time input parameter (see Kunzle, figure 1, item 102 +

Figure 2, item 204 + para 0036, because the context of this system is "internet based" see para

0023 it is inherent that internet based systems are real-time)

Re claim 10 & 29 & 44: Kunzle discloses:

loan-related input parameters is the user's current loan status and is determined by

whether the user currently has one or more outstanding loans (see Kunzle, see paragraph 0030,

"amount of the customer's other debt")

Re claim 11 & 30 & &45: Kunzle discloses:

Loan-related input parameters is the user's goal (see Kunzle, see paragraph 0030, "as

well as whether a low interest rate, low monthly payment or a particular loan term is

preferred")

Re claim 12 & 31 & 46: Kunzle discloses:

User's goal is to minimize total payments (see Kunzle, see paragraph 0030, "as well as

whether a low interest rate, low monthly payment or a particular loan term is preferred" it is

inherent that minimize total payments is a particular loan term – especially in the context of the

example of para 0025 or 0026)

Re claim 15 & 34 & 49: Kunzle discloses:

Which loan to recommend comprises:

(server) Determining which loan options are available to the user based upon the user's

loan purpose and the user's current loan status (see Kunzle, Figure 1, item 112 & paragraph

0030 & 0024)

(server) Calculating the most cost-effective loan for each loan option based upon the user's goal (see Kunzle, Figure 1, item 112 & paragraph 0030 & 0024 + 2 examples in para 0025 & 0026)

Re claim 20: Kunzle discloses:

A system for recommending loans to a user associated with a user station, system comprising:

A communication network (see Kunzle, Figure 4))

A server operatively connected to the communication network

Wherein the server transmits request for a user-selected loan purpose (see Kunzle, Figure 4, item 408; paragraph 0030)

Each user station being associated with a respective display terminal for displaying a web page (see Kunzle, Figure 4 + para 0036, because the context of this system is "internet based" see para 0023 it is inherent that internet based systems have web pages)

Server further receiving a transmittal containing the user-selected loan purpose from each user station and recommending loans for each of user based upon the user-selected loan purpose (see Kunzle, Figure 4, above +item 428)

Re claim 21: Kunzle discloses:

Database including a user profile information (see Kunzle, Figure 4, item 408)

Re claim 26: Kunzle discloses:

An information storage facility operatively connected to communication network, the information database including searchable loan-related input parameters, wherein the server

incorporates a searchable loan-related input parameters into recommending loan to the user.

(see Kunzle, Figure 4)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 13-14, 16-19, 32-33, 47-48 & 50-53are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kunzle (U.S. Patent Publication 2002/0023051) in view of Official Notice

Re claim 13 & 32 & 47: Kunzle discloses:

User's goal is to minimize interest costs (see Kunzle, see paragraph 0030, "as well as

whether a low interest rate, low monthly payment or a particular loan term is preferred" it is

inherent that low interest rate would be the same as minimize interest cost – especially in the

context of the example of para 0025 or 0026)

Although Kunzle does not have After-tax, Official Notice claims "After-tax and pre-tax

are well know concepts of how to calculate interest payments"

Therefore it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Kunzle by adapting After-tax of Official Notice.

It is clear that one would be motivated to provide many detailed options to customer.

Re claim 14 & 33 & 48: Kunzle discloses:

If the user has one or more outstanding loans, (see Kunzle, see paragraph 0030,

indicates they check "amount of customer's other debt")

Although Kunzle does not have *the user's goal is to pay off the suggested loan in the same amount of time as the time remaining on the user's outstanding loans*, Official Notice claims that suggesting a goal of paying off in the same amount of time would be logical and based on para 0025 this would be a feature of Kunzle contemplated

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kunzle by adapting pay-off equal to existing loans of Official Notice.

It is clear that one would be motivated to provide many detailed options to customer.

Re claim 16 & 50: Kunzle discloses:

If the users loan purpose is to purchase a vehicle or to refinance an existing vehicle loan and (see Kunzle, see paragraph 0033, "auto loan") the user's goal is to minimize total payments (see claim 12 above), calculating the most cost-effective loan for each loan option (see Kunzle, Figure 4, Item 426 & Figure 1, Item 112)

Although Kunzle does not have *the mathmatics of:*

Determining an annual amount the user must pay towards an outstanding principal portion of the loan

Adjusting the annual amount by a fixed interest rate

Summing the adjusted annual amounts for a term of the loan to obtain loan-specific total principal payments

Comparing the loan-specific total principal payments of one or more available loans and

Choosing available loans having the lowest total principal payment

Official Notice claims that suggesting it is know in the art what calculation need to be preformed to meet the goal of the client. Loan officers and internet "mortgage calculators" can perform these calculations.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kunzle by adapting the calculations of Official Notice.

It is clear that one would be motivated to match customer goals with appropriate calculations to do so.

Re claim 17 & 51: Kunzle discloses:

If the users loan purpose is to purchase a vehicle or to refinance an existing vehicle loan (see Kunzle, see paragraph 0033,"auto loan") and the user's goal is to minimize after-tax interest payments (see claim 13 above), calculating the most cost-effective loan for each loan option (see Kunzle, Figure 4, Item 426 & Figure 1, Item 112) comprises:

Although Kunzle does not have the mathmatics of:

Determining an annual amount the user must pay towards an outstanding interest portion of the loan

Adjusting the annual amount by a fixed interest rate

Summing the adjusted annual amounts for a term of the loan to obtain loan-specific total interest payments

Comparing the loan-specific total interest payments of one or more available loans and

Choosing available loans having the lowest total interest payment

Official Notice claims that suggesting it is know in the art what calculation need to be preformed to meet the goal of the client. Loan officers and internet "mortgage calculators" can perform these calculations.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kunzle by adapting the calculations of Official Notice.

It is clear that one would be motivated to match customer goals with appropriate calculations to do so.

Re claim 18 & 52: Kunzle discloses:

If the users loan purpose is to obtain cash or to save on their mortgage (see Kunzle, see paragraph 0033,"home equity loan") and the user's goal is to minimize total payment (see claim 12 above), calculating the most cost-effective loan for each loan option (see Kunzle, Figure 4, Item 426 & Figure 1, Item 112) comprises:

Although Kunzle does not have *the mathmatics of:*

Determining an annual amount the user must pay towards an outstanding principal portion of the loan

Adjusting the annual amount by additional of applicable closing costs and points,

Adjusting the annual amount by a fixed interest rate

Summing the adjusted annual amounts for a term of the loan to obtain loan-specific total principal payments

Comparing the loan-specific total (principal) payments of one or more available loans and

Choosing available loans having the lowest total (principal) payment

Official Notice claims that suggesting it is know in the art what calculation need to be preformed to meet the goal of the client. Loan officers and internet "mortgage calculators" can perform these calculations.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kunzle by adapting the calculations of Official Notice.

It is clear that one would be motivated to match customer goals with appropriate calculations to do so.

Re claim 19 & 53: Kunzle discloses:

If the users loan purpose is to obtain cash or to save on their mortgage (see Kunzle, see paragraph 0033,"home equity loan") and the user's goal is to minimize after-tax payment (see claim 13 above), calculating the most cost-effective loan for each loan option (see Kunzle, Figure 4, Item 426 & Figure 1, Item 112) comprises:

Although Kunzle does not have the mathmatics of:

Determining an annual amount the user must pay towards an outstanding interest portion of the loan

Adjusting the annual amount by additional of applicable closing costs, points and tax rates,

Summing the adjusted annual amounts for a term of the loan to obtain loan-specific total interest payments

Comparing the loan-specific total interest payments of one or more available loans and

Choosing available loans having the lowest total interest payment

Official Notice claims that suggesting it is know in the art what calculation need to be preformed to meet the goal of the client. Loan officers and internet "mortgage calculators" can perform these calculations.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kunzle by adapting the calculations of Official Notice.

It is clear that one would be motivated to match customer goals with appropriate calculations to do so.

Response to Arguments

Applicant's arguments filed 6/16/08 have been fully considered but they are not persuasive.

In particular, the applicant argued for four pages (page 2-5 of remarks 6/16/08) all of the sections of the specification which they believe are different from the applicants.

The Examiner refutes the argument as the examination of the invention must be evaluated based on the language in the claims. These claims should be interpreted in the "broadest reasonable" interpretation. The examiner has done so and concluded that Kunzle reads on the claims as specified above. This becomes clear in page 7 when the applicant says there is "virtually nothing [in Kunzle] that allows for consideration of user specific recommendations based on user specific criteria." The applicant goes on to say "exception appears to be that the user may select a longer or shorter repayment term or apply for a credit card that allows for minimum payments." Both of these examples the applicant agreed prove that the prior art read on the applicants art as it is currently written in the claims.

Applicant also argued: "Kunzle... does not perform any similar evaluation and advice function as does this invention."

The Examiner refutes the argument made by the Applicant and draws the attention to Kunzle figure 1, item 112, "recommend product".

In addition the examiner would like to note that while she choose Kunzle as a solid prior art reference the examiner believe this application reads on lots of prior art. It is important to note that simply automating an existing method does not make it novel. Loan officers have been working with applicants for years to have determined the appropriate loan for borrowers simply automating this does not make this a novel invention.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kirsten S. Apple whose telephone number is 571.272.5588. The examiner can normally be reached on Monday - Friday 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-272-6126.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksa

/Kirsten S Apple/

Primary Examiner, Art Unit 3694